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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,877	01/10/2005	Andre Haake	00879.0189USWO	4470
23552	7590	09/25/2006	EXAMINER	
MERCHANT & GOULD PC			FRIEDHOFER, MICHAEL A	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			2832	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,877

Applicant(s)

HAAKE ET AL.

Examiner

Michael A. Friedhofer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/10/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the phrase "The invention" should be deleted. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

It is unclear whether these sections are present since there are no headings. Please supply the appropriate headings.

2. The disclosure is objected to because of the following informalities: The specification should not reference the claims as seen in page 1, paragraph 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 1-2 the phrase “as switching strip ... with an electrical switching device” creates a limitation within a limitation making the claim indefinite. Further the “switch pad” is not a proper alternative to the other devices.

In claim 1, line 3 replace “which” with –the--.

In claim 1, line 4 “the rest position” has no antecedent basis.

In claim 1, line 4 “the effect” has no antecedent basis.

In claim 1, line 5 “the effect” has no antecedent basis.

In claim 1, line 5 “the insulating wedge element” has no antecedent basis.

In claim 1, line 6 “the contact” has no antecedent basis.

In claim 1, line 7 replace “their” with –the--.

In claim 1, lines 7-8 “the longitudinal extension” has no antecedent basis.

In claim 1, line 8 replace “their” with –the--.

In claim 1, line 9 replace “one holding body” with –one of the holding bodies--.

In claim 1, line 9 replace “the other side” with –a side--.

In claim 2, line 3 “the bracket legs” has no antecedent basis.

In claim 2, line 4 replace "their" with --the--.

In claim 2, line 6 "the free ends" has no antecedent basis.

In claim 4, lines 1-2 "the contact strips" has no antecedent basis.

In claim 5, line 3 "the safety strips" has no antecedent basis.

In claim 7, line 2 "the contact strips" has no antecedent basis.

In claim 8, line 2 "the contact strips" has no antecedent basis.

In claim 9, line 2 "the insulating wedge elements" has no antecedent basis.

In claim 10, line 2 "the insulating wedge elements" has no antecedent basis.

In claim 11, line 2 "the contact strips" has no antecedent basis.

In claim 13, line 2 "the housing wall" has no antecedent basis.

In claim 14, line 2 "the housing wall" has no antecedent basis.

In claim 15, line 2 "the receiving space" has no antecedent basis.

In claim 17, lines 1-2 the phrase "as switching strip ... with an electrical switching device" creates a limitation within a limitation making the claim indefinite. Further the "switch pad" is not a proper alternative to the other devices.

In claim 17, line 4 "the rest state" has no antecedent basis.

In claim 17, line 4 "the action" has no antecedent basis.

In claim 17, line 5 "the holding bodies" has no antecedent basis.

In claim 17, line 6 "the holding body" has no antecedent basis.

In claim 17, line 7 "the sensor or sensors" has no antecedent basis and they are not alternatives of one another.

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In claim 17, line 7 "is/are" is an improper form of the alternative making the claim indefinite.

In claim 17, line 8 "the longitudinal extension" has no antecedent basis.

In claim 17, line 9 "actuates/actuate" is an improper form of the alternative making the claim indefinite.

In claim 17, line 10 "the sensor action" has no antecedent basis.

Allowable Subject Matter

4. Claims 1 and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. Claims 2-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wohnlich et al, Finlayson, Roberts, Hayashi et al, Pliml, Thiel, Hoshikawa et al, Wisinski, Wenner, Matsui, and Woodward et al teach various types of switches in which a wedge element is utilized to separate contact in either the rest position or the actuation position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michael A. Friedhofer
Primary Examiner
Art Unit 2832

maf